

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DISH NETWORK, L.L.C., §
SLING TV L.L.C., AND §
NAGRASTAR LLC, §
Plaintiffs, §
v. § Case No. 3:21-CV-00218
§
ALEJANDRO GALINDO, ANNA §
GALINDO, MARTHA GALINDO, §
AND OSVALDO GALINDO, §
Individually and collectively §
d/b/a NITRO TV, §
Defendants, §
§
CAPITAL ONE BANK, N.A., §
Garnishee. §

CAPITAL ONE, N.A.'S ORIGINAL ANSWER TO WRIT OF GARNISHMENT

Garnishee, Capital One, N.A. (Capital One), incorrectly named Capital One Bank, N.A., files this original answer to the writ of garnishment issued on August 3, 2022 (Writ), and served on Capital One on or about August 10, 2022, concerning Defendants Alejandro Galindo, Anna Galindo, Martha Galindo, and Osvaldo Galindo, individually and collectively d/b/a Nitro TV (collectively Defendants).

ANSWER

1. On July 19, 2022, Dish Network, L.L.C., Sling TV L.L.C., and Nagrastar LLC, (Plaintiffs) filed its application for writ of garnishment after judgment concerning a

judgment in excess of \$100,363,000.00 against Defendants. Per that application, on August 3, 2022, this court issued the Writ.

2. The Writ was served on Capital One on or about August 10, 2022. On that date, based on information reasonably available, Capital One was not indebted to Defendants and located no open account of Defendants with Capital One.

3. As of August 15, 2022, based on information reasonably available, Capital One was not indebted to Defendants and located no open account of Defendants with Capital One.

4. Based on information reasonably available, Capital One does not know of any other person who is indebted to Defendants or who has effects belonging to Defendants in their possession.

5. Defendants are hereby put on notice that they bear the burden of preventing or limiting Capital One's compliance with or response to the Writ by seeking an appropriate remedy, such as a restraining order, injunction, protective order, or other remedy to prevent or suspend Capital One's response to the Writ. Capital One has no duty to determine actual ownership of the funds, verify Plaintiffs' claim to any funds, or assert any defense on behalf of Defendants or any other related person or entity, including but not limited to any defect in parties or deficiency in notice or service required under the Texas Rules of Civil Procedure or the Federal Rules of Civil Procedure.

6. To the extent any accounts exist, Plaintiffs are hereby on notice that one or more of those accounts, if any, may be protected or exempt under state or federal law or may have provisional credits that may reduce the account balances if returned unpaid.

CONCLUSION AND PRAYER

Capital One, N.A., respectfully requests herein:

1. That Capital One be discharged from any and all liability arising from or relating to the Writ; and
2. For such other relief to which Capital One may be entitled.

Dated: September 9, 2022.

Respectfully submitted,

By: /s/ David A. Walton

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Capital One, N.A.*

UNSWORN DECLARATION

STATE OF NORTH CAROLINA §
§
§
COUNTY OF CATAWBA §

Pursuant to 28 U.S.C. § 1746, Shellbie Lester subscribes in writing the following declaration as true under penalty of perjury:

“My name is Shellbie Lester, my date of birth is December 30, 1992, and my business address is 802 Delaware Avenue, Wilmington, DE 19801. I am of sound mind, capable of making this declaration, and personally acquainted with the facts stated herein. I am a duly authorized agent for Capital One, as I serve Capital One as a custodian of records. I have read the foregoing *Capital One, N.A.’s Original Answer to Writ of Garnishment*, and every statement of fact made in the answer is within my personal knowledge and is true and correct. I declare under penalty of perjury that the foregoing is true and correct.”

Further affiant sayeth not.

Executed in Catawba County, State of North Carolina, on September 6, 2022.

Shellbie Lester
Shellbie Lester

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Capital One, N.A.'s Original Answer to Writ of Garnishment* was sent to the following counsel of record and judgment-defendants via facsimile, electronic mail, or mail, on September 9, 2022, in accordance with the Federal Rules of Civil Procedure.

VIA ECF

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By: /s/ David A. Walton

David A. Walton